REMARKS

Claim 7 is amended herein to recite yeast strain with fil phenotype species. Support is found, for example, at pages 28-29 of the specification.

Claims 9, 15 and 43 are amended herein to correct minor informalities.

No new matter is presented.

I. Response to Claim Objections

Claims 9 and 43 are objected to because in claim 9 the word "cerevisia" should be "cerevisiae" and in claim 43 the "t" in line 2 of the claim should be "at".

Claims 9 and 43 are amended herein to correct these informalities, thereby obviating the objection to the claims.

Accordingly, Applicants respectfully request withdrawal of the objection.

II. Response to Claim Rejection under 35 U.S.C. § 112, 1st Paragraph

Claims 7, 9, 10, 12, 14, 38, 40-41 and 48-62 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 7 is amended to recite yeast strains with *fil* phenotype species obtainable by the process of claim 1 as described in the specification at pages 28-29, thereby obviating the rejection. Claims 9, 10, 12, 14, 38, 40-41 and 48-62 depend directly, or indirectly, from claim 7.

As described in the specification, the *fil1* mutation is carried by the gene CYR1/CD35, which encodes adenalate cyclase, which is an enzyme of Ras-cAMP metabolic pathway which allows for the synthesis of cAMP from ATP. This mutation corresponds to the change of guanosine base into adenosine base on position n°5044 of genetic code CYR1. A lysine takes the place of glutamic acid on position 1682 of protein, i.e., in coding part of catalytic site of enzyme.

The *fil2* mutation corresponds to gene GPR1 which codes for a receptor coupled to a G protein. This mutation corresponds to the change of thymine into adenine in position 948.

The *fil300* mutation allows a reduced cAMP signal after induction with glucose.

The *fil400* and *fil500* mutations were obtained by the process of the present invention from the industrial polyploid strain S47. The AT25 strain obtained from the *fil500* mutation of the S47 strain has a different Ty profiling (a known technology of development which is specific of yeast such as disclosed in the attached article, "Optimization of interdelta analysis for *Saccharomyces cerevisiae* strain characterization" of Jean-Luc Legras and Francis Karst) of that S47 strain.

Each of the claimed yeast strains with *fil* phenotype species have been deposited as described at page 13 of the specification. Thus, the claimed invention is adequately described.

Accordingly, Applicants withdrawal of the §112, 1st paragraph, rejection is respectfully requested.

III. Response to Claim Rejection under 35 U.S.C. § 102

Claims 7, 9, 38, 40-41, 51 and 59 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kim et al.

Applicants respectfully traverse the rejection.

Kim et al discloses a constructed yeast strain in which the activity of the trehalose-hydrolyzing enzyme has been abolished with the deletion of ATH gene. See Abstract

On the other hand, in the present invention the ATH gene is always present and its mutation has been carried out. Thus, the present invention is different from Kim et al.

Indeed as mentioned in the present specification the non-expression of the ATH1 gene does not avoid the rapid loss of stress resistance during the start of fermentation. Page 6, lines 19

to 23. At page 6, lines 23 to 25, it is disclosed that the simple deletion of one or all the genes coding for a trehalase alone is not capable of solving the problem of the present invention. Moreover, at page 35, lines 16 to 19, it is mentioned that the mobilization of the trehalose is far less rapid than in the control strains.

Further, at page 37, lines 30-31, the trehalose level is 3 or 4 times higher in mutant *fil300* than in control HL8.16.

Accordingly, Kim et al does not anticipate the present invention.

Withdrawal of the §102 anticipation rejection is respectfully requested.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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